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**HERNDON TOWN COUNCIL
Work Session
Tuesday, July 6, 2021**

At a regular meeting of the Town Council of the Town of Herndon, Virginia, held in the Herndon Community Center, at 814 Ferndale Avenue, Herndon, Virginia, on Tuesday, July 6, at 7:00 p.m., there were present:

- Mayor Sheila A. Olem, presiding;
- Vice Mayor Cesar del Aguila;
- Councilmember Pradip Dhakal;
- Councilmember Signe Friedrichs;
- Councilmember Sean M. Regan; and
- Councilmember Jasbinder Singh.
- Councilmember Naila Alam was absent.

CLOSED MEETING

On motion of Councilmember Singh, seconded by Councilmember Friedrichs, and carried by 6-0 vote, the Herndon Town Council went into Closed Meeting at 5:30 p.m., under Section 2.2-3711(A)(1) of the Code of Virginia, pertaining to discussion of specific public employee relative to annual performance review. The Closed Meeting was held in the Herndon Community Center, at 814 Ferndale Avenue, Herndon, Virginia, Community Room 2. The appropriate meeting notices were provided in accordance with state law.

Vote: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.

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On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, and carried by 6-0 vote, the Herndon Town Council reconvened in public session at 6:51 p.m.

Vote: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.

On motion of Vice Mayor del Aguila, seconded by Councilmember Dhakal, and carried by 6-0 vote, the Herndon Town Council approved the following Certification of Closed Meeting.

Vote: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.

Certification of Closed Meeting

WHEREAS, the Town Council of the Town of Herndon has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by this Town Council that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered by the Town Council.

VOTE:

Ayes – 6

Nays – 0

ABSENT DURING VOTE: 1

ABSENT DURING MEETING: 1

RECESS

At 6:52 p.m., Mayor Olem called a brief recess; and at 7:00 p.m., the meeting reconvened in the Herndon Community Center, Community Room 1, all members present, and with Mayor Olem presiding.

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WORK SESSION

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief of Police, Maggie DeBoard; Robert Tang, Director of Finance; Elizabeth Gilleran, Director of Community Development; Cindy Roeder, Director of Parks and Recreation; Scott Robinson, Director of Public Works; Page Kalapasev, Director of Information Technology; John Irish, Deputy Director of Public Works; Lauri Sigler, Deputy Town Attorney, Bryce Perry, Deputy Director of Community Development; and Margie Tacci, Deputy Town Clerk.

ANNOUNCEMENTS

Mayor Olem stated that Councilmember Alam was absent and announced Council had just met in a closed meeting pursuant to state code requirements.

CALL TO ORDER

1. Roll Call & Determination of Quorum

Mayor Olem called the public hearing to order at 7:00 p.m. and asked the Deputy Town Clerk to call the roll for attendance. Mayor Olem asked each member of Council to indicate they were present.

Following the roll call for attendance, Mayor Olem confirmed there was a quorum present.

Mayor Olem asked Council to observe meeting decorum by showing their hand to be recognized by the chair for comments and stating their last names before providing comments and when making or seconding motions. She reminded those participating to follow the town's Meeting Guidelines that were used for all government meetings to maintain good order, which included: refraining from participation unless and until recognized by the chair; being respectful in comments; refraining from threatening or intimidating language; profane, vulgar, obscene, or threatening remarks were not permitted; and attacks on the character, motive, or other harmful remarks against individual members of Council, town staff, or the public would not be tolerated.

ANNOUNCEMENTS

Mayor Olem recognized and congratulated Councilmember Friedrichs for being named Herndon Rotarian of the Year and provided comments about her selfless work including trash pickups.

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TOWN MANAGER UPDATES

2-4. Comments from the Town Manager, Pandemic Update, and Council Initiatives Update

Comments from the Town Manager and Pandemic Update

The Town Manager stated the State of Emergency for the Commonwealth ended. He suggested they needed to look at the town's State of Emergency and Continuity of Governmental Operations Ordinance moving forward.

The Town Attorney indicated there were questions from individuals and staff. The town code section permits the State of Emergency to continue for six months from when the Governor withdraws the State of Emergency. She asked for Council comments on when they should lift it or if they should leave it until it expires. She indicated some considerations were certain things the Town Manager could take care of without Council and several things that had been streamlined.

Responding to a query from Councilmember Singh, the Town Attorney said the State of Emergency was enacted in March 2020 and amended in September 2020.

Councilmember Friedrichs asked the Town Attorney to outline things they could do under the State of Emergency. The Town Attorney stated there were many contracts and agreements the Town Manager was able to sign, like the outdoor dining licenses, and certain documents were effective upon the Town Manager's signature and Council ratification.

The Town Manager stated he could also sign checks over \$100,000 without the Mayor's involvement during the State of Emergency.

Councilmember Friedrichs inquired if they would lose anything important to the town.

The Town Attorney and Town Manager both indicated they would lose some flexibility.

The Town Manager further indicated that if they went back, they would work through things the way they did before.

Mayor Olem provided comments about checks the Mayor would need to sign.

Vice Mayor del Aguila's comment was inaudible.

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The Town Manager stated they could look at what to repeal and change on a policy level to allow more flexibility, if Council wanted to pursue that as an idea. He clarified some things Council had to see and that there were some routine items that happened every month.

Councilmember Regan asked about the process to repeal, and the Town Attorney clarified it would be voted on as a general item at a public hearing.

Councilmember Friedrichs' inquiry was inaudible. The Town Manager responded saying at that time it seemed the vaccine was just as effective with the COVID-19 Delta variant and vaccinations were key. He thought Virginia was ahead of the curve with vaccination rates. Councilmember Friedrichs provided comments about Massachusetts.

Mayor Olem encouraged people to ask those they knew, who had not been vaccinated, what their plan was. She indicated people should get vaccinated and provided comments about a state with low vaccination rates.

The Town Manager introduced Robert Tang, Director of Finance.

Council Initiatives Update

The Town Manager stated Council's next Strategic Planning Meeting would be Thursday, August 5, 2021. He also stated they would be discussing moving their work session to Wednesday, August 4, 2021 due to National Night Out being Tuesday, August 3, 2021.

He reiterated the policy Council adopted for prioritizing Council initiatives and reviewed it. He stated it was available on Granicus.

COMMENTS FOR THE RECORD & DISCLOSURES

Mayor Olem asked the Deputy Town Clerk whether she had received comments for the record or Transactional Disclosure Declarations from Council on any items listed on that evening's agenda, and the Deputy Town Clerk stated that she had not received comments or disclosures from Council.

GENERAL

5. Resolution 21-G-60, to award contract IFB #21-10, Air-Supported Structure Services, to service the Town's tennis bubble.

Mayor Olem recognized the Director of Parks and Recreation for the staff report. The Director of Parks and Recreation stated this resolution was to award the contract for the tennis bubble. About every five years they needed to go back out

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for bids, and there was one bid received from one vendor who has been doing this the whole time. The pricing was close to what it was within the previous five years. She also stated they hoped to replace the membrane the past year.

The Director of Parks and Recreation further stated that since installation in 2000, the tennis bubble netted a little over one million dollars netting a little over \$600,000, was working well, had been successful, and was a benefit to town and community.

The single bidder, Bishop's Tennis, Inc., was found responsive and responsible.

The period of this contract would be for one year from date of complete execution of the contract. The town reserves the right to renew this contract for four additional one-year renewals, one year at a time.

Staff recommended the awarding of Contract IFB #21 - 10, Air-Supported Structure Services, to Bishop's Tennis, Inc. in the amount of \$ 23,400.00 annually.

Councilmember Singh asked about using the tennis bubble, and the Director of Parks and Recreation explained the process of reserving spaces. Responding to further queries from Councilmember Singh, the Director of Parks and Recreation clarified that the tennis bubble usually goes up in September and comes down in April.

Mayor Olem provided comments about the tennis bubble.

The Town Manager commended Parks and Recreation staff for their work taking care of the tennis bubble and protecting the taxpayers' investment.

Mayor Olem said it was a wonderful addition.

Following discussion and with the concurrence of Council, Mayor Olem asked staff to place this item on the Consent Agenda for next week's meeting.

6. Ordinance 21-O-15, to approve and authorize the Mayor to sign a five-year Lease Agreement between the Town and the Fairfax County School Board for space at 397 Herndon Parkway.

Mayor Olem recognized the Director of Public Works to present the staff report. The Director of Public Works stated this ordinance was to approve a new five-year lease agreement with the Fairfax County School Board for space at 397 Herndon Parkway. They have been there since March 2005, and the current lease was set to expire on August 31, 2021. He stated they had gone through a series of

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extensions and the amount of space and parking would remain the same. The lease term would end August 31, 2026. It also included two five-year options for a total of 15 years. With both options, the lease would end August 31, 2036.

The price would be \$20 per square foot with a two percent escalation over five years. For option years, the rent would be negotiated beforehand. \$271,860 for the first year and \$291,270 for the fifth year.

Staff recommended approval.

Responding to queries from Councilmember Friedrichs, the Director of Public Works clarified that the options were bilateral. The only thing that would be negotiated was the rent.

Councilmember Dhakal inquired about the price per square foot and the escalation, and the Director of Public Works clarified it was not necessarily standard across the region, and they have a broker who assisted with negotiations. The Director of Public Works also provided information about comparable prices.

Councilmember Friedrichs provided further questions about the rate, and the Director of Public Works stated these rates were set the prior spring. Councilmember Friedrichs indicated she was curious about what the broker thought about the two percent escalation.

7. Resolution 21-G-61, to award contract RFP #21-08, Commercial Property Management Services, for 397 Herndon Parkway.

Mayor Olem recognized the Director of Public Works to present the staff report.

The Director of Public Works stated the current contract would end later that month. The specific tasks of the broker and manager would be marketing available space, checking credit, negotiating leases and renewals, and performing routine property management. Of four offers, the committee selected two for follow-up interviews

Following the interviews, the evaluation committee selected Colliers International Asset Services, LLC as the top-rated firm. Negotiations with Colliers International Asset Services, LLC resulted in favorable rates for the variety of disciplines and supporting tasks that would be awarded for the assigned work to the amounts indicated for one year with four renewals for a total of five years.

There were no questions from Council.

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Following discussion and with the concurrence of Council, Mayor Olem asked staff to place this item on the Consent Agenda for next week's meeting.

8. **Resolution 21-G-62, to ratify a Third Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town of Herndon and Nafis Peter Ahmed and Ruth Llabres Ahmed for the Town's use of the lot at the corner of Lynn and Station Streets for public parking and other public purposes.**

Mayor Olem recognized the Town Attorney to present the staff report.

The Town Attorney stated this was a resolution to ratify a Third Extension of License. The License Agreement that had been operative for the past six years between the Town and Nafis Peter Ahmed and Ruth Llabres Ahmed for use of their lot at the corner of Lynn and Station Streets for public parking and other public purposes expired on June 30, 2021. The Town Manager signed an Extension of License dated June 30, 2021 pursuant to his authority under the Town's Continuity of Government Ordinance, as amended. This Third Extension of License extends the terms of the existing License so that it would expire on August 30, 2021 to allow time for finalization of a new three-year License Agreement. It was expected that the new agreement would be presented to Council for consideration at its August Public Hearing.

Consistent with the previous extension, the town would continue to pay \$1250.00 per calendar month during the third extension term, which was for a period of 2 months.

Council needed to consider ratification of the Third Extension of License in order to extend the expiration date of the current License Agreement to August 10, 2021 to finalize its approval.

Staff recommended approval.

Councilmember Singh asked if the payments were monthly or yearly, and the Town Attorney clarified it was a monthly payment. Councilmember Singh's follow-up question was inaudible.

9. **Resolution 21-G-63, to approve an Easement Encroachment Agreement with Springpark Place LLC to allow for certain improvements in Town of Herndon waterline and storm drain easements for Springpark Place Site Plan (TP #20-07).**

Mayor Olem recognized the Deputy Director of Public Works to present the staff report.

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The Deputy Director of Public Works stated this was a resolution to approve an Easement Encroachment Agreement with Springpark Place LLC to allow for the construction of certain improvements in Town of Herndon waterline and storm drain easements in conjunction with the Springpark Place Site Plan (TP #20-07).

Earlier in the year there was a zoning map amendment that allowed subdividing of the property with new amenities. The Deputy Director of Public Works provided information about proposed improvements. This would recognize those easements were able to be made and worked on. The town would have the ability to work on emergency or standard maintenance.

Staff was requesting that the Town Council approve the Resolution, as proposed.

There were no questions of Council.

10. **Resolution 21-G-64, to ratify a License Agreement for facilities and improvements for a bike trail, sidewalk and retaining wall pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town of Herndon, Northern Virginia Regional Park Authority and the Virginia Department of Transportation.**

Mayor Olem recognized the Deputy Director of Public Works to present the staff report.

The Deputy Director of Public Works provided information about the East Spring Street Widening Improvements, a long-standing CIP project. The project was administered by the Commonwealth of Virginia, Department of Transportation (VDOT) who were designing and building the improvements. VDOT was requesting, and staff was recommending that Council approve the Resolution to ratify a License Agreement between the town, Northern Virginia Regional Park Authority, and the Virginia Department of Transportation for facilities and improvements for a bike trail, sidewalk and retaining wall included with the project, pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended.

Councilmember Regan indicated he was struggling to understand what this was, and he thought a graphic would be helpful, and the Deputy Director of Public Works indicated they could provide that.

Councilmember Regan asked for further clarification about the cycle track, and the Deputy Director of Public Works provided further information about the track length and location. Councilmember Regan reiterated that an image would be helpful.

Mayor Olem indicated it was a housekeeping item with different government entities.

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CONSENT

11. **Resolution 21-G-59, to change the Meeting Schedule for the Town Council Work Session in August 2021; and**
12. **Resolution 21-g-65, to ratify a Contract pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and The Fitzgerald Law Group, PLC for legal services.**

There were no questions from Council on these items.

DISCUSSION

13. **Funding Options for Transit Related Growth Area Small Area Plan (Discussion by the Town Manager & Director of Community Development).**

Mayor Olem recognized the Town Manager for discussion on this item, and he indicated the Director of Community Development would be presenting on it as well. Staff presented a PowerPoint dated July 6, 2021 which is on file in the Town Clerk's office.

The Town Manager stated staff was seeking Council's direction on developing the Small Area Plan for the Transit Related Growth (TRG) Area. He indicated they would discuss why it was important, costs, and payment options. Council input would affect how staff would approach the plan, and they were looking to bring it to Council in August.

The Director of Community Development provided information about the location of the TRG and existing uses. She then discussed the purpose of the area, the need to guide the change in the area, and the process that would need to be followed. She also shared that they would want to help facilitate the use and hear outreach from anyone interested in the process. The design was also discussed.

The focus of their discussion that night would be the cost and options. She stated it would be a significant investment. Different sources of funding were discussed including a blind agreement with the property owners paying or a hybrid of the property owners and the town paying, and the Director of Community Development indicated the Town Manager could provide more information. She outlined various options and reiterated the questions staff was asking Council. They wanted to know how staff should approach developing a small area plan for the TRG, and if they should seek to use property owner contribution to offset the costs.

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The Town Manager indicated this plan was already supposed to have taken place before the South Elden project. The property owners met collectively, presented what was being done in Alexandria to the town, and indicated they wanted to know what they could or could not do. He reiterated the question was whether the town should pursue the blind property owner agreement, pursue a hybrid, or go at it alone. Staff would follow the direction of Council.

Councilmember Friedrichs asked for some definitions and about the blind system specifically. The Town Manager indicated the Director of Community Development could answer.

The Director of Community Development indicated that, in its most simple form, with the Alexandria system the developers and property owners would be paying for the study. The town would select the consultant and run the study as if they paid for it. Councilmember Friedrichs asked why that was better than the property owners hiring their own consultants. The Director of Community Development said the town would want to ensure the plan was right for the town and all critical issues were resolved. She stated property owners would be looking at their bottom line and what was best for them, so they had different concerns.

The Town Manager said it was also because infrastructure elements needed to work in concert with one another. There would eventually be rezoning, and the town would ensure management and communication with adjacent properties and unrepresented groups.

Councilmember Friedrichs asked if all property owners in the area were involved. The Director of Community Development said those most interested came forward from the area closest to the metro. Smaller property owners further away would not be part of the funding but would be included.

Councilmember Singh wanted to see the Alexandria plan and how it was developed. He spoke about the previous metro plan, and he said that he came across articles in *The Atlantic* that he wanted to share about developing downtowns. Councilmember Singh provided comments about a story he read in *The Atlantic* about developers meeting only a percentage of the goals for a redevelopment project and changing the process. He would be happy to share the article. He said, given his experience with the metro plan, he thought they should see what they want the area to look like and the property owners should say what they want and give criticism. He said they needed a vision for what the area should look like and provided comments about the vision. The first thing, in his view, was to hire the right consultants with a vision in mind. He thought the other thing was considerable capacity restraints and a good sense of what was possible without adding congestion. He indicated he did not understand what was possible and that the developers should pay.

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Vice Mayor del Aguila indicated he would also like to see the Alexandria plan for context. He liked the idea of exploring “what if” and said there were different sections of town, and this could provide more cohesion. He asked how this would affect the budget. The Town Manager said if Council wanted the town to pay, he would be bringing it to them in August for a budget discussion.

Vice Mayor del Aguila said they could have a more in-depth discussion, at a Strategic Planning Meeting, about what they want. He indicated Councilmember Singh brought up points he had not considered. Vice Mayor del Aguila said he knew but asked if they had done this before. The Director of Community Development said they had done small area plans, but they had not done the blind process of taking funding from property owners with the property owners before.

Responding to follow up questions from Vice Mayor del Aguila, the Director of Community Development indicated the metro area plan had some general language about the future of the TRG and called for a future planning effort, which this would be.

Vice Mayor del Aguila asked what would happen if they could not decide that budget year. The Director of Community Development indicated it would further delay the ability of the area to redevelop, and the property owners closest to metro in the TRG were very interested in finding out what they could do with their property. She indicated they were working to get town’s vision on the table, and they wanted to collaborate with various people and stakeholders, to avoid redevelopment that would not fit what the town wants in the future. She also said she was unsure of the likelihood of redevelopment in the meantime and stated this was not a short process. They would still need an RFP, consultant, and then the process itself would take a while. Listening to the community and testing and retesting traffic impact would also occur. This area had constraints, and she thought it would be a challenge to create a beautiful, welcoming area and mentioned impacts on layout, heights, and roads.

Vice Mayor del Aguila asked how they would fund this since they did not budget for it. The Town Manager indicated the funds would come from reserves if they did not take the landowners up on their offer to finance it. He stated they could also do a hybrid. Vice Mayor del Aguila asked if they would have more control, and the Town Manager said he did not believe so since they would manage the process. The only way they could default was not keeping up the timeline. Stakeholders would be there for input too. They saw successful models to model after and pacing and timing could be commented on collectively with various property owners.

Mayor Olem asked the Director of Community Development to comment on doing a town charette to talk about what community stakeholders wanted for plans they did in other areas and getting community input. The Director of

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Community Development stated that early in the process for the downtown there was a charette, and they came up with ideas including the lighting of the trail.

Councilmember Friedrichs asked the Director of Community Development to define charette. The Director of Community Development stated it was a process where different facilitators and designers were brought in and were there to listen. She indicated these listening sessions were to bring out ideas, visualize them, and draw them up. They could also help to inform and were a good way to get the community to think. She indicated they would be looking at constraints and testing designs in this case.

Councilmember Regan opined there were two decisions. One was the small area plan. The second was how to pay. He was unfamiliar with property owner funded and needed literature to read about that. As for when it would happen, he did not think six months made a huge difference. He thought they needed their values in place before development applications came through, and the better they plan the better it will turn out. He indicated it would still be difficult. The Director of Community Development said because of the density it would probably be wood above platform which would be different than some in the HTOC.

Councilmember Dhakal inquired about the type of property owners who brought this to the town. The Director of Community Development clarified they were all commercial properties. Councilmember Dhakal then asked if they should have a percentage, potential consequences, and about their plan to reach out to property owners and who would participate.

The Town Manager stated this was driven by the property owners themselves and he was not sure what kind of outreach they did beyond the initial group. The Director of Community development said two property owners joined with a third who had multiple parcels, and the majority of parcels were within a half mile of the metro. The Town Manager said all property owners were at the table from the affected area and would be represented. Ultimately, Council would have to accept the plan.

Mayor Olem asked if this was a little better than what they had with HTOC and commented on that. The Town Manager said one parcel in HTOC was by-right development and did not participate. Mayor Olem said by-right use was always a possibility.

Councilmember Dhakal reiterated his earlier comments about consequences.

Councilmember Friedrichs indicated Arthur Nachman asked why the town did not have property owners hire their own project managers to make sure everything went through the town. His idea was that the town hire the project manager but charge the property owners. She was concerned they did not have the capacity as a town to control this and asked why the only way they could

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control this was through the blind system. The Town Manager said what they were trying to achieve was a comprehensive plan between all properties to address various other infrastructure needs collectively and then rezone the entire area. They would send out an RFP to get a consultant and the town would manage the general project consultant. Councilmember Friedrichs said she did not want the town to be overwhelmed and if the property owners were bringing it forward, she thought they should pay for it.

Mayor Olem asked about why they would want to pay, and the Town Manager indicated he thought they could achieve what they wanted and control as project sponsor. He said they would be in control regardless and it was a matter of what the comfort level of Council was. He indicated the developer financed planning process departs from the norm and they wanted Council to be comfortable.

The Director of Community Development added the planner from Alexandria was extremely comfortable with the plan the consultants came up with. Town staff would not be doing the engineering. They would be reviewing what the consultants were doing. She reiterated positive remarks from the planner in Alexandria.

Councilmember Singh reiterated wanting to know more about the Alexandria plan. He also spoke about the charette and a plan based on what town residents want. He asked what it would look like for the long-term and thought they should be around the table to come up with something. He said after that they would develop whatever they want.

The Director of Community Development said the work she thought they needed to do upfront and later in the process was the consideration of constraints. After consultants, Council would decide if they would approve adoption of the small area plan into the Comprehensive Plan, and it would not end there. They would still need to create zoning regulations to allow the vision to occur, and that was where the town was stepping in to make sure what was built was what the town adopted.

Councilmember Singh thought water, sewer, etc. costs had to be dealt with, but he was just talking about what it would look like. He thought that was what should be decided by a good consultant and work with them to see what trade offs should be made. Then Council could approve the vision.

Councilmember Friedrichs asked staff if they had covered the question asked of Council. The Town Manager indicated he was hearing they wanted more information on the Alexandria plan and an incremental approach to move forward in an incremental way, should Council adopt that plan. He said he would task Community Development with developing the RFP for a consultant to run plans the for small area plan. Second, they would continue working with property

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owners with the assumption they would fund 100%. He indicated they could circle back in August after Council had seen the Alexandria plan.

There were brief further comments from Councilmember Friedrichs and Councilmember Singh.

The Town Manager reiterated they would continue in this direction.

14. Multicultural Advisory Committee (Discussion by the Town Manager).

The Town Manager presented a PowerPoint which is on file in the Town Clerk's office.

The Town Manager stated the document submitted by Councilmember Dhakal went through the Town Attorney and Town Clerk's offices. It sparked specific questions, and they made some clean-ups based on things like legal definitions.

Title and Mission, Objectives & Purpose, Composition, and Meetings were all discussed, and the Town Manager clarified any changes that were made from the original document submitted by Councilmember Dhakal and the rationale for the changes.

The Town Manager clarified what items staff needed more input and direction on for logistics.

He asked what kind of budget they would want behind this and indicated they needed fine-tuning. After those elements were discussed, they could present it for adoption.

The Town Manager yielded the floor to Councilmember Dhakal for his comments on the process. The Town Manager said he could get this presentation out to Council.

Councilmember Dhakal thanked other members of Council who provided input on this and commented on what he noted during the Town Manager's presentation. He indicated removing non-voting members was okay with him, and the recording was in line with transparency, but they could do the same thing as other committees.

Councilmember Friedrichs thought it needed a catchier name and said someone mentioned to her that ad-hoc committees were a two-year term. The Town Manager said they scratched that out.

Councilmember Dhakal said Councilmember Regan suggested three-year terms and asked him to comment. Councilmember Regan said it was not based on any legality but was long enough to be committed.

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The Town Manager clarified that ad-hoc could be scratched.

Councilmember Singh also commented on finding a different name and said this was following the structure of the HDRB. He asked if it was unusual to have an advisory committee and mentioned it felt like part of the government. He thought an advisory committee should be outside the government and the town did not need to be involved.

The Town Manager said if Council was constituting body, it was a governmental body and had to follow the same rules. He mentioned other committees that are constituted in similar ways.

Mayor Olem said it was similar to other committees over the years. The Town Manager clarified that some of the committees she mentioned were constituted by the Town Manager.

The Town Attorney asked if Councilmember Singh was asking if it could be a private body, and the Town Attorney confirmed it could be something the community created, and they would not have any involvement. She said it was brought forward by Council, and that was why they were making it a governmental body.

Councilmember Singh said they had not talked about the issues, pitfalls, or considerations for the future.

Mayor Olem provided comments on a neighborhood group that morphed into having staff.

Councilmember Regan indicated he liked the description of the structure. He asked what Council would do with the information they brought to Council. He asked what they must do and what they should do with that information. He also asked if the liaison's input should have greater weight than other people.

Councilmember Dhakal provided information about the rationale of the name and indicated he came up with it from looking at trends of neighboring jurisdictions changing their names.

Councilmember Friedrichs indicated they would shorten whatever name they decided and referenced One Fairfax.

ROUNDTABLE

1. **Vice Mayor del Aguila:** Shared a presentation and update on traffic calming solutions. Under traffic calming, he thought it would be good to reset some of their energy and focus. He said not many people were aware of new laws that

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went into effect July 1, 2021. Vice Mayor del Aguila also said that every segment of the population using trails, roads, and sidewalks would increase with metro coming. He spoke about creating a safe environment and how they were named a bike friendly town. He asked how they build on that and said he thought being proactive was better than reactive. He wanted to do this now and thought it would lend to being a safer place to live, play, and work. Vice Mayor del Aguila brought up tragedies with cyclists killed. He thought this would also get people moving and result in less cars on the roads.

He thought PBAC was the perfect place for this to germinate and said a councilmember is a liaison who works through them. Vice Mayor del Aguila wanted to educate and increase awareness about the new laws. He thought they should discuss enforcement and voiced concerns as a pedestrian as well as noting that not all sidewalks were ADA compliant. Vice Mayor del Aguila suggested share the road signs and making awareness paramount. He also suggested dedicated bike lanes and thought dedicated lanes would help those who use their bikes for transportation. He said he has coffee at Green Lizard Cycling and sees how many people run red lights. He reiterated enforcement of rules and suggested modernizing traffic flow. Vice Mayor del Aguila reiterated a lot of the people he was talking about were commuters, and he thought they needed a campaign of education and awareness.

Vice Mayor del Aguila mentioned safety measures in Anne Arundel County. He said there were a lot of close calls, and he wanted to be proactive and get ahead. He indicated he wanted to nudge this as a priority under traffic calming and come up with a campaign. He reiterated enforcement capacity and starting with education.

Councilmember Friedrichs said she had watched many pedestrians and asked about cyclists running through stop signs and related legality. She asked about cyclists not stopping at stop signs.

Vice Mayor del Aguila indicated he would defer to the Town Attorney about legality. He thought people in cars should consider whether they wanted to be right or hurt someone. He indicated cyclists should be stopping and reiterated education and enforcement. He said he wanted PBAC to run with it to get perspective. He said he spoke to people who saw this as a problem and one attorney who was unaware that you had to pass a bike with all four tires in the other lane.

Councilmember Friedrichs indicated she did not know that and that was going to be one of her questions. She also brought up the law saying you could cross double yellow lines to pass cyclists and people saying that was unsafe. Mayor Olem said that was the law.

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Councilmember Friedrichs asked if they were going to put time and energy into promoting that.

Vice Mayor del Aguila reiterated starting with education and wanting to do this quickly. He stated people were energized and out on the path. He asked if Council was okay with having PBAC work on this.

Mayor Olem thanked Vice Mayor del Aguila for bringing this forward and stated HPD had a very good visual with this information about passing.

Vice Mayor del Aguila reiterated not everyone was aware.

Mayor Olem stated they were looking into whether cyclists could use stop signs as yield signs, but that was not the law and it would come forward with the General Assembly. She said Chief DeBoard had a lot of signs translated in Spanish and English. Mayor Olem indicated they could discuss prices and so forth.

Councilmember Singh said this was focused on cyclists only, and Vice Mayor del Aguila clarified PBAC included pedestrians. Councilmember Singh commented on cyclists and cars in relation to traffic calming.

The Town Manager stated the data did not bear that out normally.

Mayor Olem stated two of her neighbors had been hit by cars.

Councilmember Singh's comments were inaudible.

Councilmember Friedrichs thought staff was putting in traffic calming elements.

Councilmember Singh said they need more enforcement and referenced people speeding every day.

2. **Councilmember Dhakal:** Stated he saw many close calls related to the item Vice Mayor del Aguila brought up. He thought following the law was important and courtesy sometimes causes accidents. He voiced his support.
3. **Councilmember Friedrichs:** Stated she got really good feedback on the fireworks and gave kudos to Parks and Recreation. She indicated she also wanted to talk about traffic and supported Vice Mayor del Aguila's comments. Councilmember Friedrichs said she wanted public awareness about buses ahead of metro coming and asked if they could put out maps of what they are doing. The Town Manager said they were working on getting mailers out with water bills to let people know. The Town Attorney said it went out in the On The Move newsletter. Councilmember Friedrichs said people did not know, and the Town Manager clarified that the things they were putting out were concrete. He said they were not putting out the conceptual things. Councilmember Friedrichs

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thought people may not know about the bike lanes they are putting in, and the Town Manager said that information was in On The Move.

Vice Mayor del Aguila asked if they could do anything do better to let people know what they are doing.

Councilmember Dhakal suggested a video of how transportation would work in the town and posting it on social media.

Councilmember Friedrichs indicated she liked the idea of animation and YouTube because you could share it many ways.

4. **Councilmember Singh:** No comments.
5. **Councilmember Regan:** No comments.
6. **Mayor Olem:** Stated, in relation to Vice Mayor del Aguila's comments, that PBAC worked with groups to hand out tickets for free food getting people to cross at the crosswalks. She indicated it helped. Mayor Olem thanked everyone, especially HPD, for support during the devastating event that had happened recently.

COMMENTS FROM THE TOWN MANAGER

The Town Manager said it was nice to be back in person for meetings.

CLOSED MEETING

Mayor Olem stated that the Council had a need to go into a closed meeting and that the appropriate meeting notices were provided in accordance with state law. The Closed Meeting was held in the Herndon Community Center, at 814 Ferndale Avenue, Herndon, Virginia, Community Room 2.

Mayor Olem stated, as a reminder, only public business matters lawfully exempted from open meeting requirements by Virginia law can be discussed by Council in closed meeting. These matters must be clearly stated in the motion to convene in the closed meeting.

- On motion of Councilmember Regan, seconded by Councilmember Friedrichs, and carried by 6-0 vote, the Herndon Town Council went into Closed Meeting at 9:25 p.m., under Section 2.2-3711(A)(1) of the Code of Virginia for discussion of prospective candidates relative to appointments to boards & commissions and under Section 2.2-3711(A)(3) of the Code of Virginia, for discussion or consideration of acquisition of real property for a public purpose, where

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discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Vote: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.

RECESS

At 9:25 p.m. Mayor Olem called a brief recess, and at 9:34 p.m., the closed meeting reconvened, with all members present and with Mayor Olem presiding.

Mayor Olem asked if there was anyone present whose name she did not call. Hearing none, the closed meeting continued.

CLOSED MEETING

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, and carried by 6-0 vote, the Herndon Town Council reconvened in public session at 10:43 p.m.

Vote: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.

On motion of Vice Mayor del Aguila seconded by Mayor Olem, and carried by 6-0 vote, the Herndon Town Council approved the following Certification of Closed Meeting.

Vote: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.

Certification of Closed Meeting

WHEREAS, the Town Council of the Town of Herndon has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by this Town Council that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this

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certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered by the Town Council.

VOTE:

Ayes – 6

Nays – 0

ABSENT DURING VOTE: 1

ABSENT DURING MEETING: 1

ADJOURNMENT

On motion of Councilmember Singh, seconded by Mayor Olem, and carried by 6-0 vote, the meeting of the July 6, 2021 work session was adjourned at 10:43 p.m. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.


Sheila A. Olem
Mayor


Jessica Sizemore
Legislative Assistant



Minutes approved by Town Council: October 26, 2021.

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NOTE:

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